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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

VIKRAM DATTA,

Defendant.

11 CR 102 (LAK)

New York, N.Y.
September 7, 2011
11:15 a.m.

Before:

HON. LEWIS A. KAPLAN,

District Judge

APPEARANCES

PREET BHARARA
United States Attorney for the
Southern District of New York
PETER SKINNER
Assistant United States Attorney

WHITE & WHITE
Attorneys for Defendant
DIARMUID WHITE

197TDATEC

1 (In open court)

2 DEPUTY CLERK: United States against Datta.

3 Government, are you ready?

4 MR. SKINNER: We are, Peter Skinner for the
5 government. I'm joined at counsel table by Vanessa Quinones, a
6 paralegal in our office. Good morning.

7 THE COURT: Good morning.

8 DEPUTY CLERK: Defense, are you ready?

9 MR. WHITE: Good morning, your Honor, Diarmuid White
10 for Vikram Datta.

11 THE COURT: Well, I think you have been busy,
12 Mr. Skinner, no?

13 MR. SKINNER: Yes, your Honor, quite busy preparing
14 for trial, and also obtained a superseding indictment that the
15 defendant needs to be arraigned on.

16 THE COURT: Right. Now I remembered you're telling me
17 you were going to supersede and telling you it better be at
18 least 30 days before trial, right?

19 MR. SKINNER: I believe you did mention that to me,
20 your Honor.

21 THE COURT: And you didn't do that, you were late.

22 MR. SKINNER: It was later than 30 days before trial.
23 Your Honor, we did -- just to clarify what we added, we added a
24 new defendant. The substantive charges against Mr. Datta did
25 not change one bit. But you are correct, we did supersede

197TDATEC

1 after the 30 days.

2 THE COURT: And so you're content to go to trial on S1
3 as to Mr. Datta; is that right?

4 MR. SKINNER: We would be, your Honor, yes, or go to
5 trial against him on S2 and consent to a severance of
6 Mr. Garza-Gonzalez, either way.

7 THE COURT: Mr. White, what's your position on this?

8 MR. WHITE: I'm amenable to either, your Honor.

9 THE COURT: All right. Well, the cleanest way is to
10 go to trial. You don't need an adjustment, you're ready to go?

11 MR. WHITE: Correct.

12 THE COURT: So we'll try Mr. Datta on S1, and Andy,
13 you can go ahead and arraign him on S2.

14 DEPUTY CLERK: Mr. White, have you received a copy of
15 the S2 superseder?

16 MR. WHITE: Yes, I have. I discussed it with
17 Mr. Datta, he waives the public reading and pleads not guilty.

18 DEPUTY CLERK: Thank you.

19 THE COURT: What else do we need to accomplish this
20 morning?

21 MR. SKINNER: Your Honor, I think the only other thing
22 the government hoped to accomplish is a housekeeping matter of
23 establishing whether the Court's electronic system is working
24 and whether we could bring additional equipment in. I believe
25 the system is running, and I think we're good on that front,

197TDATE

1 and don't have anything else.

2 THE COURT: Mr. White?

3 MR. WHITE: Just a few ministerial things, your Honor.
4 I submitted a request for an order to the MCC to permit
5 civilian clothes to be furnished for Mr. Datta, and I would
6 like to take a copy of that order if you sign it today.

7 THE COURT: I just signed it, so you can get it from
8 Andy.

9 So let's talk about the schedule. Everybody and his
10 uncle are picking juries next Monday morning, so we won't start
11 until eleven or maybe later, but be ready for eleven. I cannot
12 be here -- next week is OK, so we're good next Monday, Tuesday,
13 Wednesday, Thursday. We will not sit Friday, the 16th. The
14 following week, Monday is going to be up in the air for a
15 little while. There's part of the day when I can't be here, I
16 do not know what part of it it is, so it will either be morning
17 or afternoon or maybe dark on Monday. Tuesday the 20th, I have
18 to be in Washington. This came up only recently. We'll sit
19 Wednesday, Thursday, and at least part of the day on Friday,
20 the 23rd, if we need it. And then the following week I don't
21 have any conflicts.

22 Now how long do you folk anticipate this trial is
23 going to take?

24 MR. SKINNER: Your Honor, we are still forecasting the
25 government's case in chief to last two weeks.

197TDATC

1 THE COURT: And Mr. White?

2 MR. WHITE: I would plan for two or three days of a
3 defense case, your Honor.

4 THE COURT: So we are likely going to be into the last
5 week of September or into October. Then last week in
6 September, of course, I will not be in because of the holidays
7 on the 29th and 30th. So let's look at what the next week
8 holds. Well, I hope you finish faster, because it's going to
9 make hell out of everybody else's schedule if we go past the
10 month of September, but whatever it is, it is.

11 All right. Anything else we need to take care of?

12 MR. WHITE: Your Honor, I also submitted an order to
13 bring a laptop into the courtroom.

14 THE COURT: Yeah, I signed that.

15 MR. WHITE: OK.

16 THE COURT: No phones.

17 MR. WHITE: Yes.

18 THE COURT: If you are desperate to have a phone, you
19 can make arrangements with the district executive's office to
20 have a land line put in the attorney room on your ticket. You
21 can have that. You can have an answering machine if you need
22 it, but no cell phones.

23 MR. WHITE: I have been well advised, your Honor.

24 THE COURT: Good.

25 MR. WHITE: I mentioned to Mr. Mohan that Mr. Datta

197TDATEC

1 has very poor hearing in one ear, and at our last court
2 appearance he told me afterwards that he had difficulty hearing
3 a lot of what went on. So I have asked if he could be provided
4 with earphones of some sort so he could hear the witness's
5 testimony and the questions of the lawyers.

6 THE COURT: Andy tells me we're all set for that.

7 MR. WHITE: Great. That's it.

8 THE COURT: I think our audiovisual guy has suddenly
9 departed, so nothing is working in the normal fashion. And the
10 government ought to be aware that although the system is
11 working today, whether it's going to be working at noon is
12 another matter. It's on its last legs.

13 OK. Thank you all.

14 MR. SKINNER: Thank you, Judge.

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